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EXAMINER
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CAMPBELL, JOSHUA D

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PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* SATOSHI IWATA and SHOJI SUZUKI

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Appeal 2009-004414  
Application 09/862,448  
Technology Center 2100

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Decided: November 19, 2009

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Before JOHN A. JEFFERY, STEPHEN C. SIU, and  
DEBRA K. STEPHENS, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 5-13, and 17-23. Claims 2-4 and 14-16 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).<sup>1</sup>

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<sup>1</sup> Appellants waived appearance at an oral hearing scheduled for this appeal on November 18, 2009.

*The Invention*

The disclosed invention relates generally to a display apparatus for displaying electronic book-form contents (Spec. 1).

Independent claim 1 is illustrative:

1. A display apparatus comprising:
  - a displaying section for displaying document contents made up in units of page;
  - a displaying control section for controlling a display state of said displaying section;
    - means for providing a reading display mode of displaying the whole contents of each page of said document contents on said displaying section;
    - means for providing a plurality of automatic paging display modes of conducting page ejection (paging) and successively performing partial or schematic displaying of each page of said document contents on said displaying section according to a display mode corresponding to one of a plurality of reading modes; and
    - selecting means for selecting the display mode as one of said reading display mode and said plurality of automatic paging display modes,
    - wherein when the selected display mode of said document contents is performed, said display control section controls the display state of said displaying section to display said document contents on said displaying section, and
    - wherein said plurality of automatic paging display modes includes at least the following display modes:
      - a cursory reading display mode in which title and emphasized parts, of the document contents in each page, are extracted to display so that an outline of the contents of each page is viewable to the user;
      - a partially displaying mode in which a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition; and

an outline view display mode in which only document structure is displayed as a layout so that the whole of each page is viewable to the user.

### *The References*

The Examiner relies upon the following references as evidence in support of the rejections:

Endo	US 5,801,713	Sep. 01, 1998
Palmer	US 6,002,798	Dec. 14, 1999

### *The Rejection*

The Examiner rejects claims 1, 5-13, and 17-23 under 35 U.S.C. § 103(a) as being unpatentable over Endo and Palmer.

### ISSUE 1

Appellants assert that “Palmer does not disclose any mode in which only a portion of each page extracted according to a predetermined condition is displayed” (App. Br. 5).

Did Appellants demonstrate that the Examiner erred in finding that Palmer discloses or suggests a mode in which a portion of a page is extracted and displayed according to a predetermined condition?

### ISSUE 2

Appellants assert that “Palmer does not teach or suggest using a font size for extracting and displaying a portion of the page” and that “Palmer

does not teach or suggest using a font type for extracting a portion of the page to be displayed” (App. Br. 6).

Did Appellants demonstrate that the Examiner erred in finding that Palmer discloses or suggests a predetermined condition involving a font size or font type according to which a portion of a page is extracted and displayed?

#### FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

1. Palmer discloses an operator that sets “display options by which retrieved documents will be displayed” (col. 8, ll. 15-16).
2. Palmer discloses that “the operator selects one of two modes by which retrieved documents will be displayed: full document image mode or browse mode” (col. 8, ll. 17-19) and that “[i]f the browse mode is selected, then only an abstract structural view of each document image is displayed” (col. 8, ll. 21-23).
3. Palmer discloses that “the operator may select the abstraction level at which the structural view is displayed” (col. 8, ll. 28-29) and that “[n]ine abstraction levels are possible” (col. 8, ll. 29-30) including “Structure only” (col. 8, l. 33), “Titles” (col. 8, ll. 34), “First Line of Text” (col. 8, l. 36), “Tables” (col. 8, l. 38), “Line Art” (col. 8, l. 39), to name a few.

## PRINCIPLES OF LAW

### *Obviousness*

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

## ANALYSIS

### Issue 1

Based on Appellants’ arguments in the Appeal Brief, we will decide the appeal of claims 1, 5-13, and 17-23 with respect to issue 1 on the basis of claim 1 alone. *See* 37 C.F.R. § 41.37(c)(1)(vii).

As set forth above (FF 1-3), Palmer discloses multiple page modes including displaying only the structure of a document page, displaying the document page with titles or a first line of text (i.e., a “cursory reading display mode” as recited in claim 1), or displaying other portions of the document page (e.g., tables, line art, half-tone, etc.) based on operator selection (i.e., a “predetermined condition”). Thus, we agree with the Examiner that Palmer discloses or suggests displaying a portion of a page according to a predetermined condition.

Appellants argue “Palmer’s different levels of abstraction according to which documents are always displayed within the structural view of the whole page” (App. Br. 6). Since Palmer discloses embodiments in which only a portion of page rather than the whole page is displayed, we disagree with Appellants’ assertion that Palmer only displays “the whole page.” When Palmer displays a document page containing only, for example, tables or line art (FF 3), only that portion of the document page is displayed (i.e., the portion containing tables or line art) while the portion of the page that contains components other than tables or line art (for example) is not displayed. Hence, Palmer displays a “portion” of the page (in this example, the tables or line art of the page) and does not display the remainder of the page (in this example, elements of the page other than the tables or line art).

For at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner’s rejection of claim 1, or claims 5-13 and 17-23, which fall therewith as being obvious over Endo and Palmer with respect to issue 1.

## Issue 2

As described above, Palmer discloses displaying a portion of a document page as selected by a user (FF 1-3). However, the Examiner has not shown that Palmer also discloses that the portion of the document page displayed is extracted according to either a font size (as recited in claims 5, 17, and 22) or a font type (as recited in claims 6, 18, and 22).

The Examiner states that “regions have a type and those types have region attributes that include a font size and font type” (Ans. 10) thus demonstrating that the portion of text to be displayed has a certain font size or type. However, the Examiner has not shown that extracting the portion of the page to display involves the particular font size or type of the text to be displayed. Rather, as described above, the selection of the portion of the page to be displayed appears to be based on user selection independent of the font size or type of the text to be displayed.

Accordingly, we conclude that Appellants have met their burden of showing that the Examiner erred in rejecting claims 5, 6, 17, 18, and 22.

#### CONCLUSION OF LAW

Based on the findings of fact and analysis above, we conclude that Appellants have failed to demonstrate that the Examiner erred in finding that Palmer discloses or suggests a mode in which a portion of a page is extracted and displayed according to a predetermined condition (issue 1), but have demonstrated that the Examiner erred in finding that Palmer discloses or suggests a predetermined condition involving a font size or font type according to which a portion of a page is extracted and displayed (issue 2).

#### DECISION

We affirm the Examiner’s decision rejecting claims 1, 7-13, 19-21, and 23 under 35 U.S.C. § 103. We reverse the Examiner’s decision rejecting claims 5, 6, 17, 18, and 22 under 35 U.S.C. § 103.



Appeal 2009-004414  
Application 09/862,448

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

msc

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